

21 H. 7. 39 If an Officer, having a lawful Warrant to arrest another, shall be resisted or assaulted by the party, or by any other person, then may that Officer justify the beating or hurting of such persons; and others (upon his prayer) may and ought to aid the Officer. §. 10. *Resistant.*

14 H. 8. 16. If a Justice of peace shall make any Warrant for a matter wherein he hath Jurisdiction, although it be beyond his authority, yet it is not disputable by the Constable, or other such Officer, but must be obeyed and executed by the Officer; as if the Justice of peace shall make his Warrant to arrest one for the Peace or Good Behaviour, &c. without cause, the Officer shall not be punished for executing this: But if a Justice of peace shall make his Warrant to do a thing out of his jurisdiction, or in a cause whereof the Justice of peace is no Judge, if the Officer shall execute such a Warrant, here he is punishable; for the Officer is not bound to obey him who is not Judge of the Cause, no more than a meer Stranger: and so note, That the Officer is bound to take notice of the authority and jurisdiction of the Judge. See such a matter, 22 Aff. 64. *Plo. 394. b. Cro. 106.*

Co. 10. 76. Cromp. 74 If any Man shall abuse the Justice of peace his Warrant, as by casting of it into the dirt, or treading it under his feet, &c. it seemeth he may be bound to his Good Behaviour therefore, and may also be indicted and fined therefore, for it is the Kings Process. §. 11. *Contempt.*

When any person cometh before a Justice of peace, by force of any Warrant for the Peace, Good Behaviour, or for a Rior, or the like, the party must offer Sureties, or else the Justice may commit him: See *antea tit. Sureties for the Peace.*

If a Justice of peace shall grant his Warrant to one to apprehend another for Murther, Robbery or Felony, it shall be safe for the Justice upon the delivery of his said Warrant, to take (upon Oath) the Examination of the said party that requireth the Warrant, or at least to bind him over by Recognizance to give Evidence at the next Gaol-delivery, &c. against the Offender, lest that afterwards when the Offender shall be brought (by the Officer) before the Justice upon his said Warrant, or else happen to yield himself to the said Justice, then the party that procured the Warrant be gone: for by credible report I am informed, That one having procured a Warrant from a Justice of peace in *Suff.* against another for a Robbery done upon the High-way, and the Justice upon the delivery of his Warrant not having bound over the Complainant to give Evidence, nor taken his Examination, as aforesaid, that at the next Assizes and Gaol-delivery, the party charged with the Robbery came and offered himself to the said Justice of peace, who immediately acquainted Sir *Tho. Flemming* (then Lord Chief Justice, and Judge of Assizes there) with the whole matter; but the said Judge much blamed the said Justice of peace, for not having bound over the said Complainant at the first when he granted him the Warrant, and charged the said Justice of peace, at his peril, presently to send for the party Complainant to come to give Evidence, &c. and farther directed the said Justice of peace presently to bind over the party charged with good Sureties for his attendance and appearance.